

# EXHIBIT E

Case No. 3:18-cv-00197-RJC-DSC

BRUCE RHYNE and JANICE RHYNE, )  
Plaintiffs, )  
vs. )  
UNITED STATES STEEL CORPORATION, )  
et al., )  
Defendants. )

DEPOSITION OF ROBERT F. HERRICK,  
Sc.D., CIH, FAIHA, called as a witness by and on  
behalf of the Defendants, Chevron U.S.A., Inc., CRC  
Industries, Inc., and Univar Solutions USA Inc.,  
f/k/a Univar USA Inc., pursuant to the applicable  
provisions of the Federal Rules of Civil Procedure,  
before P. Jodi Ohnemus, RPR, RMR, CRR, CA-CSR  
#13192, NH-LSR #91, MA-CSR #123193, and Notary  
Public, within and for the Commonwealth of  
Massachusetts, at Veritext Legal Solutions, 101  
Arch Street, Suite 650, Boston, Massachusetts, on  
Wednesday, November 6, 2019, commencing at 9:09  
a.m.

1 Q. And did you prepare the report?  
 2 A. Yeah, I write the report, and then it goes  
 3 in at -- at the firm, EH&E, to the final  
 4 production, where they format it and -- and, you  
 5 know, do the final editing and cosmetic changes.

6 Q. Okay. I'm going to put before you what  
 7 we've marked as Herrick 1.

8 A. Okay.

9 Q. Doctor, is that your report in this  
 10 matter?

11 (Exhibit Herrick 1, Expert Report of  
 12 Robert F. Herrick, Sc.D., CIH, FAIHL.)

13 A. (Witness reviews document.) Yeah, this  
 14 looks like my report.

15 Q. All right. Going through the report, does  
 16 that help you to tell me when exactly you first  
 17 became involved in the matter?

18 A. (Witness reviews document.) Well, let's  
 19 see. So I signed -- the report's signed off as of  
 20 September 17th, 2019. So I think I was probably  
 21 involved, you know, for a period of -- of roughly  
 22 six months, six or eight months.

23 So, I mean, I -- my recollection is that,  
 24 you know, I really started getting information  
 25 about this in early 2019.

VERITEXT NATIONAL COURT REPORTING COMPANY  
 215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

1 Q. And the ART model contains a number of  
 2 modifying factors.

3 A. Yeah, there's -- there's a number of  
 4 inputs.

5 I want to make sure I understand your  
 6 question. You know, I do -- in the ART model, you  
 7 know, the user doesn't enter the modifying factors,  
 8 per se, but you have a series of inputs that you  
 9 provide the program.

10 Q. Understood.

11 You have a series of choices that you can  
 12 select from.

13 A. Sure.

14 Q. Okay. And did you make those choices?

15 A. I did.

16 Q. You made all of the selections?

17 A. I did.

18 Q. Okay. Thank you.

19 MR. DuPONT: Can I clarify something?

20 MR. FISHKIN: Sure. Yeah.

21 MR. DuPONT: Sure. Were there certain  
 22 exposure assessments you did that were not through  
 23 the ART model in this case?

24 THE WITNESS: Oh, there were, yeah.

25 A. Are we going to talk about them? 'Cause I

VERITEXT NATIONAL COURT REPORTING COMPANY  
 215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

1 Q. Okay. Does the report contain all of your  
 2 opinions in this matter?

3 A. Yes, it does. Yeah.

4 Q. Did anyone else participate in the  
 5 preparation of the report?

6 A. Well, aside from the -- the person, you  
 7 know, the -- the staff I mentioned at EH&E, who  
 8 contributed to, you know, helping me put together  
 9 the work histories, but no one other than that.

10 Q. Okay. Obviously the report refers to some  
 11 modeling you did; is that correct?

12 A. Right. Yes.

13 Q. Or modeling that was done.

14 Did you do the modeling yourself?

15 A. Yes, I did.

16 Q. So you sat in front of the computer and  
 17 actually did the model?

18 A. I did, yes.

19 Q. Okay. And you picked all of the -- I  
 20 mean, we're going to get into this later -- but  
 21 obviously you relied -- at least in part -- on the  
 22 ART model?

23 A. That's correct.

24 Q. Okay. And the ART model contains --

25 MR. DuPONT: Objection to form.

VERITEXT NATIONAL COURT REPORTING COMPANY  
 215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

1 did some other modeling, but different procedure.

2 Q. Yeah. Understand.

3 Yeah -- no, I -- I think my question was  
 4 -- I think you relied on the ART model in part. If  
 5 I didn't say that, I meant to say that.

6 MR. DuPONT: That wasn't the question,  
 7 which is why I wanted to clarify.

8 MR. FISHKIN: Okay. Yeah.

9 Q. No, I understand you didn't rely  
 10 exclusively on the ART model. Okay. Understood.

11 So obviously you received information in  
 12 the matter before preparation of the report; is  
 13 that right?

14 A. I did, yeah.

15 Q. Okay. What information did you receive  
 16 before preparing the report?

17 A. Well, there was a -- I think we used a --  
 18 a Dropbox or a share file -- I'm not sure what the  
 19 technology was in this case -- but Mr. DuPont  
 20 included information about -- well -- the  
 21 depositions, obviously, from -- from Rhyne, and  
 22 there was another deposition from one of his  
 23 coworkers, whose name I'm blanking on right at the  
 24 moment; and there were lots of documents in there  
 25 about the safety data sheets and the product

VERITEXT NATIONAL COURT REPORTING COMPANY  
 215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830